

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

LARRY HEARD a/k/a “Mr. Fingers” and
ROBERT OWEN,

Plaintiffs,

v.

TRAX RECORDS, INC., PRECISION/TRAX
RECORDS, an entity unknown legal origins,
RACHAEL SHERMAN nee RACHAEL CAIN
p/k/a SCREAMIN’ RACHAEL, doing business
as SCREAMING RACHAEL CAIN MUSIC
and TRAX RECORDS, and JOHN DOES 1-10,

Defendants.

Case No. 20-cv-03678
Honorable Sharon J. Coleman
Magistrate

**DEFENDANTS’ FEDERAL RULE OF CIVIL
PROCEDURE 9(b) AND 12(b)(6) PARTIAL MOTION TO DISMISS COUNTS I
THROUGH III AND V THROUGH VIII OF PLAINTIFFS’ COMPLAINT**

Defendants, Rachael Cain (“Cain”), Precision/Trax, and Trax Records, Inc. (“Trax Records”) (Cain, Precision/Trax, and Trax Records are collectively referred to as “Defendants”), move the Court pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) to dismiss Counts I through III and V through VIII of the Complaint filed by Plaintiffs Larry Heard (“Heard”) and Robert Owens (“Owens”; Heard and Owens are collectively referred to as “Plaintiffs”). In support of this Motion, the Defendants incorporate herein their Memorandum of Law in Support of their Federal Rule 9(b) and 12(b)(6) Partial Motion to Dismiss Counts I through III and V through VIII.

WHEREFORE, Defendants requests that the Court (1) dismiss Count I through III and V through VIII, and (2) grant any additional relief the Court deems just and proper.

DATED: November 7, 2020

**RACHAEL CAIN, PRECISION/TRAX AND
TRAX RECORDS INC.**



BY: _____
One of their Attorneys

Richard P. Darke
Duane Morris LLP
190 S. LaSalle Street, Suite 3700
Chicago, IL 60601
(312) 499-6700
rpdarke@duanemorris.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 7, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Richard P. Darke

Robert S. Meloni (*pro hac vice* forthcoming)
Thomas P. McCaffrey (*pro hac vice* forthcoming)
MELONI & McCAFFREY, a Professional Corporation
3 Columbus Circle – 15th Floor
New York, New York 10019
Tel: (212) 520-6090
rmeloni@m2lawgroup.com

Christopher M Heintskill (ARDC No. 6272391)
LEVENFELD PEARLSTEIN, LLC
2 North LaSalle, 13th Floor
Chicago, IL 60602
Tel: (312) 346-8380
cheintskill@lplegal.com
Appearing as Local Counsel for Plaintiffs